

Kentucky Environmental Quality Commission

Aloma Dew, Chair, *Owensboro*
Betsy Bennett, Vice-Chair, *Louisville*
Patty Wallace, *Louisa*
Bob Riddle, *Midway*
Gary Revlett, *Shelbyville*
C.V. Bennett, *Harlan*
Serena Williams, *Louisville*



ENVIRONMENTAL QUALITY COMMISSION
14 REILLY ROAD
FRANKFORT, KY 40601-1132

PAUL E. PATTON
GOVERNOR

June 3, 2002

The Honorable Paul E. Patton
State Capitol
Frankfort, KY 40601

Dear Governor Patton,

The Environmental Quality Commission had the opportunity to review the status of the Maxey Flats Low-Level Radioactive Waste Site during a meeting and a tour on May 31. The site, near Hillsboro in Fleming County, was declared a federal Superfund site in 1986.

A 60-acre interim cap is now being constructed at the site, to be completed by the end of the year. This will be followed by an extended maintenance plan to allow for the natural stabilization of the site over the next 100 years prior to constructing the final cap.

Only time will tell if the remedy at Maxey Flats will adequately protect public health and the environment and contain the tons of radioactive materials buried at the site. Therefore, EQC urges the state of Kentucky to **remain vigilant** in its maintenance and monitoring of the Maxey Flats Superfund site and **appropriate the resources necessary to ensure adequate monitoring and analysis of data and information** collected at the site. This is especially critical given the 10-year window provided for in the consent decree that requires responsible parties to remediate any problems encountered at the site.

The commission also recommended the following actions based on issues brought up at the meeting and tour and public concerns expressed to EQC.

- Much of the information about Maxey Flats is technical in nature and difficult for the public to understand. EQC recommends at least **one public meeting be held by the state and the U.S. EPA each year** for the next 10 years to provide the public with information about the Maxey Flats Superfund site and its status.
- An ongoing source of accurate and understandable information about Maxey Flats is needed. EQC recommends that **informational fact sheets be produced by the state** every 6 months and a

Maxey Flats web site be established to update local officials and the public on the status of the Maxey Flats site.

- Public concern about whether the fish in waterways near the Maxey Flats site were safe to consume was raised at the EQC meeting. EQC recommends that **fish tissue testing for radionuclides be conducted by the state in Rock Lick Creek, Drip Springs, Fox Creek and Licking River** in Fleming County and the results of this testing be provided to the public.
- The long term care and stabilization of this site is highly dependent on maintaining forest cover on the slopes around the site. EQC recommends **the state periodically monitor the site's forest ecosystem and its health**. This monitoring should include **placing gypsy moth traps near the site** to monitor for this potential forest threat.
- Fire is a significant threat to the site and its forestland buffer. EQC recommends a **fire protection plan for the site and the adjoining forestland be prepared** by the state in cooperation with local officials to take steps to prevent fires and respond to fires in the area and the site in a timely manner.
- EQC was told that there is no emergency response plan for the Maxey Flats site. EQC recommends **an emergency response plan for the site be prepared** by the state in cooperation with local officials.
- The threat of public access and vandalism to the site is real, given the fact that no guard is on duty and there is no fence around the perimeter of the site. EQC recommends that **the state take the steps necessary to limit public access to the site and prevent vandalism**.
- Construction activities at the site have caused two feet of silt to build up in the holding pond. EQC recommends that **the holding pond at the site be cleaned out as soon as possible and steps be taken to prevent future siltation of the pond**.
- An earthquake at or near the site could alter groundwater and surface water flow patterns and pose a significant public risk. EQC **recommends a study be conducted by the state to determine the potential risks at site posed by seismic activity**. Based on the results of this study, the need for the development of contingency plans can be determined as well as the need for additional seismic monitoring. EQC further recommends **that the University of Kentucky's Seismic Monitoring Network closely monitor seismic activity at its station located in Flemingsburg and immediately report any activity to the Ky. Division of Waste Management Superfund Branch**.

Thank you in advance for your consideration of this important matter. We look forward to hearing from you regarding these recommendations.

Sincerely,



Aloma Dew, Chair

Cc: Crit Luallen, Governor's Office
Kentucky's Congressional Delegation
Christie Whitman, Administrator, U.S. EPA
Jimmy Palmer, Administrator, Region IV, U.S. EPA
Secretary James E. Bickford, Natural Resources Cabinet

Secretary Marcia Morgan, Cabinet for Health Services
Hugh Archer, Commissioner, Dept. for Natural Resources
Robert Logan, Commissioner, Dept. for Environmental Protection
Rice Leach, Commissioner, Dept. for Public Health
Homer Hurst Jr, Rowan County Judge Executive